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MEMO ENDORSED

October 26, 2023

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VIA ECF

Honorable Jessica G. L. Clarke
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Marie Flaherty v. Lindsey S. Dixon, et al., No. 22 Civ. 2642 (JGLC)

Dear Judge Clarke:

This firm represents Defendants Lindsey S. Dixon (“Dixon”), Amazon.com, Inc. (“Amazon”), Prime Now LLC (“Prime Now”), Davy Cumberland (“Cumberland”) and Whole Foods Market Group, Inc. (“WFM”, and together with Dixon, Amazon, Prime Now and Cumberland, “Defendants”) in the above-referenced matter. We write to respectfully request a two-week extension of time to file Defendants’ reply to Plaintiff’s opposition to Defendants’ motion to dismiss Plaintiff’s Second Amended Complaint (“SAC”) from October 26, 2023 until November 10, 2023.

By way of reminder, Defendants previously requested an extension of time from October 13, 2023 to October 26, 2023 because it was necessitated by the additional time by which Plaintiff belatedly submitted her opposition papers beyond the date set forth in the briefing schedule adopted by the Court on August 22, 2023 (D.E. No. 153). Defendants now submit this request as the undersigned counsel requires additional time to prepare the motion papers and afford adequate time for Defendants to review the draft papers and confer with defense counsel regarding same. Defense counsel has had to attend to commitments made before the modification of the original briefing schedule was necessitated, which has included a series of depositions, deposition preparation, and motion practice. Similarly, inhouse counsel is out of the office next week due to commitments made before the original briefing schedule was modified and is therefore unavailable next week to review and approve the papers.

Finally, as referenced in Defendants’ prior application, Plaintiff in her September 28, 2023 opposition memorandum raises new issues concerning jurisdiction over this action. Defendants last week learned that Plaintiff has filed a new charge against two of the Defendants in this action, which appear to relate to Plaintiff’s claims of alleged retaliation that she sought leave to incorporate in a proposed Third Amended Complaint. As such, Defendants require additional time to assess Plaintiff’s new submission and its effect on the parties’ positions in this matter.

For the foregoing reasons, Defendants request an extension of time to file their reply papers in further support of their motion to dismiss the Second Amended Complaint until November 10, 2023.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/

Eli Z. Freedberg

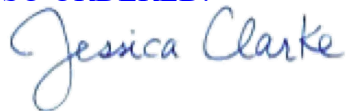
Gary Moy

Attorneys for Defendants

Cc: Marie Flaherty, Plaintiff *pro se* (via ECF)¹
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Application GRANTED. The parties' deadline file their reply is EXTENDED to November 10, 2023. The Clerk of Court is directed to terminate ECF No. 158. The parties are reminded that, per the Court's Individual Rules, requests for extensions must be made at least 48 hours prior to the deadline.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: October 26, 2023
New York, New York

¹ Plaintiff has consented to electronic service. (See D.E. No. 11)